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growing forces in the social fabric. The result is a nearly hopeless welter of decisions, which the author has pretty skillfully classified and summarized in his text. He has perhaps followed too closely the discussion by his illustrious predecessor; in many cases he has added new paragraphs containing a statement of recently-developed doctrine, when it might have been better to rewrite a preceding paragraph based on the older work. But on the whole the work is excellently done. The foot-notes frequently contain illuminating classifications of authorities—a very helpful device which is all too rare in recent textbooks—and seem to include all of the cases on the subject, though the absence of a table of cases makes it impossible to check the accuracy of the latter statement.

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EVANS HOLBROOK.

THE CONSTITUTIONAL LAW OF THE PHILIPPINE ISLANDS. By George A. Malcolm. Philippine Legal Series, Vol. I. Rochester: The Lawyers' Coöperative Publishing Co. 1920. Pp. xxiii, 702.

The author of this book has brought to its preparation an extraordinary equipment for the work, for besides his still continuing service as Associate Justice of the Supreme Court of the Philippine Islands, he holds the chair of Public Law in the University of the Philippines, has been the Assistant Attorney-General, was the organizer and Dean of the present Law School of the University of the Philippines, and has written texts and preliminary studies upon the subject of his present book. Justice Malcolm has, in fact, an impressive total of accomplishment to his credit, particularly in view of the fact that he is still a young man. The book is a most valuable contribution to the study of Philippine institutions, both as a working manual for those engaged in the administration of its affairs, and as an aid to students of the institutions of the Philippine Islands and of legal and political institutions generally.

Part I of the volume is introductory in nature, containing definitions and statements of general principles concerning the nature of Constitutional Law and the adoption, alteration, construction and interpretation of constitutions. This part of the book is necessarily brief and cannot be considered an original contribution to political science; but it is of aid in defending the author's point of view and in calling the attention of the reader, at the outset, to some fundamental conceptions and assumptions to be kept in mind.

Part II contains compressed but exceedingly interesting and helpful sketches of the constitutions of England and the United States, of Australia, Spain, the Republic of Cuba, Mexico, and Japan, and of the so-called "Malolos Constitution." The latter is a document of exceeding interest and, so far as the reviewer knows, not elsewhere easily available, except perhaps in a Senate document. This comparative study is too brief to permit of absolute accuracy of statement, for Constitutional Law cannot be compressed in expression without undergoing certain mutilations; but it would be difficult to point to other brief summaries of this nature as carefully worked out and as helpful to the student of constitutional arrangements.

Part III is a very short historical sketch of the constitutional history of the Islands. Parts IV and V form the major part of the book and constitute a comprehensive, discriminating and able discussion of the political status of the Islands, their relation to the United States, and the important provisions of those Acts of Congress and of the Philippine Commission and Legislature which may be said together to constitute the Constitutional Law of the Islands. A summary of the so-called "insular decisions" of the United States Supreme Court, in which the status of the Philippines and of other citizens was defined, is clear and accurate. The author has stated fairly the widely divergent theories of Justices Brown, White and Brewer upon this important matter, but has refrained from expressing his own opinion as to which is the sound view. This will be regretted by those who would be exceedingly interested to have the views upon this interesting question of a man so saturated with learning upon the subject as is Justice Malcolm; but an author must determine for himself the scope of his book, and doubtless the need of compression and perhaps the fact that he considered that the book would find its greatest use as a guide to actual administrators in the Islands led him to the conclusion that he should reserve discussion of theory for some other work. The reviewer ventures to hope that Justice Malcolm will add the weight of his opinion to those who believe that the Constitution can neither be "extended" nor "restricted" by Acts of Congress or any other governmental agency except the people themselves. It seems reasonably clear that the Constitution applies to whatever may be the United States at a given time; and if an island or other territory is not a part of the United States, then the Constitution cannot be stretched or extended so as to apply to it; nor, on the other hand, withdrawn from territory to which it really appertains. It is, of course, competent for Congress to say that it will be guided by the principles and provisions of the United States Constitution, so far as applicable, even in governing unincorporated territory; but that is a very different thing from an undertaking, by Congress, to make the Constitution *per se* apply.

The doctrine of incorporation has been very clearly explained in the book. On the whole, while the application of a strictly scholastic logic might find flaws in the theory, time and matured opinion have served to confirm the sound common sense and political wisdom of the doctrine expressed by Mr. Justice White for what came to be a majority of the court. Incidentally, the author declares (page 181) that Porto Rico is an incorporated territory, a view which was by no means without some apparent justification. But the Supreme Court of the United States has recently held (*Balsac v. Porto Rico* (Adv. Ops.), decided April 10, 1922), and we think correctly, that the Acts of Congress granting citizenship to Porto Ricans, and setting up a District Court for the Island, have not resulted in an incorporation of Porto Rico into the United States.

Throughout the book Justice Malcolm shows familiarity not only with the decisions of the United States and Philippine courts, legislation and Commission rulings, but also with a wide range of the best work in political theory and government.

HENRY M. BATES.